

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>AMELIA HAINAUT,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 20-2322-JAR-GEB</b>
	)	
<b>SFM, LLC d/b/a SPROUTS FARMERS</b>	)	
<b>MARKET,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**ORDER**

This matter is before the court on Plaintiff Amelia Hainaut’s motion for leave to file her First Amended Complaint (**ECF No. 16**). Plaintiff filed her motion on November 18, 2020, making any response to the motion due December 2, 2020. No response in opposition has been filed. Therefore, the motion is uncontested and may be granted without further notice pursuant to D. Kan. Rule 7.4.

Additionally, in its discretion, the Court finds the balance of factors weigh in favor of amendment of the complaint as analyzed under Fed. R. Civ. P. 15(a)(2), and justice requires amendment.<sup>1</sup>

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<sup>1</sup> The court considers a number of factors in deciding whether to allow an amendment, including timeliness, prejudice to the other party, bad faith, and futility of amendment. *Minter v. Prime Equip. Co.*, 451 F.3d 1196, 1204 (10th Cir. 2006) (quoting *Foman v. Davis*, 371 U.S. 178, 182 (1962)); *see also Monge v. St. Francis Health Ctr., Inc.*, No. 12–2269–EFM-JPO, 2013 WL 328957, at \*2 (D. Kan. Jan. 10, 2013), *report and recommendation adopted*, 2013 WL 328986 (D. Kan. Jan. 29, 2013). Rule 15(a)(2) provides leave “shall be freely given when justice so requires,” and the decision to allow an amendment is within the sound discretion of the court. *See J. Vangel Elec., Inc. v. Sugar Creek Packing Co.*, No. 11–2112–EFM, 2012 WL 5995283, at \*2 (D. Kan. Nov. 30, 2012) (citing *Panis v. Mission Hills Bank*, 60 F.3d 1486, 1494 (10th Cir. 1995)).

**IT IS THEREFORE ORDERED** that Plaintiff Amelia Hainaut's Motion for Leave to Amend the Complaint (**ECF No. 16**) is **GRANTED**. Plaintiff shall file her First Amended Complaint no later than **December 21, 2020**.

**IT IS SO ORDERED.**

Dated at Wichita, Kansas this 7th day of December, 2020.

s/ Gwynne E. Birzer  
GWYNNE E. BIRZER  
United States Magistrate Judge